

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ROBERT CLARKE

Plaintiff,

v.

REGENT ASSET MANAGEMENT SOLUTIONS, INC., ET ALS.

Defendants.

Civil No.:
3:010cv238

**DECLARATION OF ROBERT CLARKE IN SUPPORT OF
PLAINTIFF'S MOTION FOR ENTRY OF
DEFAULT JUDGMENT**

I, ROBERT CLARKE, an adult individual, depose upon my oath and declare the following to be true and correct:

1. I am the Plaintiff in this case and have reviewed the Complaint filed in this case. I aver that each of the allegations set forth in the Complaint is true and accurate to the best of my knowledge and belief.

2. In 2005, my Bank of America checking account was debited in the amount of \$1,196.49, and I did not authorize this charge. As a result of the unauthorized debit, Bank of America assessed significant overdraft fees that I was not responsible for paying, according to my contract with Bank of America, and my understanding of the protections afforded by 15 U.S.C. §1693g.

3. Defendant Regent began calling me in December 2009. Since then, they have called me numerous times prior to the filing of this lawsuit, sometimes several times a week, despite that I have repeatedly told them that I did not and do not owe a deficiency balance to Bank of America, to the Defendants, or to anyone else.

4. The Defendants then threatened to commence litigation against me in the Commonwealth of Virginia. I believe these threats were only made to coerce me to pay a debt they already knew that I did not owe. Defendant Carruthers has never sued me, and it is my understanding that neither they nor their client Regent have never sued anyone in Virginia.

5. The Defendants never advised me of my right to request verification of the debt and it was not until I conducted several hours of research on the internet and spoke with an attorney that I became aware of my rights under the Fair Debt Collection Practices Act.




6. Despite actual knowledge that I am represented by an attorney, Regent has continued to contact me repeatedly regarding this debt.

7. As a result of the continued collection calls, the threat of an impending lawsuit, and an unrelenting stream of phone calls that have continued while this litigation was pending, into July 2010, I have experienced emotional distress, headaches, stomach disorders, anxiety, fear of being sued and losing my income, loss of concentration, and other economic and non-economic damages in the form of lost time, effort and energy spent dealing with this. Each time the phone rings and I recognize that it is Regent calling me again, I can immediately feel my heart rate escalate, I become extremely apprehensive and on edge. Sometimes my hands begin shaking in anticipation of the heated phone call that I know is about to happen. During the phone calls which follow, I have attempted to remain as calm as possible and always let the Regent representative know that I have an attorney and that I do not want to hear from them again. Instead, they browbeat me as to why I have not paid the debt, and to this date, they continued to call me directly, despite their knowledge that I am represented by counsel.

8. As a result of Defendants' threats regarding the filing and service of legal action against me, I rushed to close on my condominium before the litigation might impact the financing process. I have always handled my financial affairs responsibly, and my credit rating is outstanding. The lawsuit falsely threatened by Carruthers caused significant stress regarding possible impairment to my credit rating and my ability to complete the purchase. To this date, I still remain concerned that they may choose to report this debt to my credit file, requiring the need for additional litigation to correct the problem. It is my view that if the filing of this lawsuit has not been enough to deter them from continuing to call and harass me on a weekly basis, they will not stop at anything in their effort to coerce me to pay money to them.

9. The Defendants' threats also caused stress in my professional career. I have been extremely anxious that I would not qualify to participate in the IRS' automated filing program for tax practitioners if the Defendants were able to obtain a judgment against me, given that the program requires a satisfactory background credit check.

Under penalty of perjury under the laws of the United States of America, I hereby declare and affirm that the foregoing information is true and correct to the best of my information, knowledge and belief.


ROBERT CLARKE